

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**LINDA SUSAN MULLENIX,**  
*Plaintiff*

**v.**

**UNIVERSITY OF TEXAS AT AUSTIN,**  
*Defendant*

§  
§  
§  
§  
§  
§  
§

**CIVIL NO. 1-19-CV-1203-LY**

**ORDER**

Before the Court is Plaintiff’s Third Motion to Compel Discovery Responses, filed August 4, 2021 (Dkt. 111). The District Court referred all motions in this case to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas (“Local Rules”). Dkt. 106.

Plaintiff asks the Court to compel the University to produce certain information in response to an interrogatory and two requests for production. The discovery deadline in this case expired May 7, 2021. Scheduling Order, Dkt. 24 ¶ 5. On January 29, 2021, the District Court denied the parties’ request to amend the Scheduling Order, including the discovery deadline, but reminded the parties that “they could revise the dates contained in the Scheduling Order by agreement, without court approval, except for the date of the final pretrial conference and the trial month.” Dkt. 42 at 1.<sup>1</sup> On June 2, 2021, the parties filed a “Notice of Amended Discovery Deadlines and

---

<sup>1</sup> The District Court subsequently entered a Modified Scheduling Order extending the dispositive motion deadline and trial date, but did not modify the discovery deadline. Dkt. 106.

Dispositive Motion Deadlines” notifying the Court that the parties agreed to extend the discovery deadline to July 16, 2021. Dkt. 87 at 2.

Local Rule CV-16(e) provides in relevant part that:

Unopposed discovery may continue after the deadline for discovery contained *in the scheduling order*, provided that discovery does not delay other pretrial preparations or the trial setting. Absent exceptional circumstances, no motions relating to discovery, including motions under Rules 26(c), 29, and 37, shall be filed after the expiration of the discovery deadline, unless they are filed within 14 days after the discovery deadline and pertain to conduct occurring during the final 7 days of discovery.

Because Plaintiff’s Motion was filed more than 14 days after the discovery deadline in the Scheduling Order expired, and Plaintiff has failed to present exceptional circumstances, Plaintiff’s Motion is untimely under Local Rule 16(e).

Accordingly, Plaintiff’s Third Motion to Compel Discovery Responses (Dkt. 111) is **DENIED** as untimely under Local Rule 16(e).

**SIGNED** on August 6, 2021.



---

SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE